

## **Youth & Family Rights under the CSA**

**(Revised August 2004)**

### **Source of rights**

The following rights are identified in the Code of Virginia (COV), or the Comprehensive Services Act Manual (CSA Manual). Many are also required as part of the local certification process.

The State Executive Council is charged with the responsibility to

- "Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Comprehensive Services, which support the purpose of the Comprehensive Services Act, through the promulgation of regulations by the participating state boards or by administrative action, as appropriate." (Code of Virginia) § 2.2-2648D.3 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2648>
- "Oversee the administration of state policies governing the use, distribution and monitoring of moneys in the state pool of funds..." (Code of Virginia) §2.2-2648D.5 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2648>.

"The submission of Part II Certification by a locality provided assurance to the State Executive Council that "the locality is substantially in compliance with the programmatic and fiscal policies established by the Comprehensive Services Act and the State Executive Council. These requirements are denoted by 'shall/must' in the Manual. The signatures of the Community Policy and Management Team Chair, and the Chair of the State Executive Council will bring about an agreement between the locality and the state.

Consultation with the Office of the Attorney General has indicated that this approach meets the State Executive Council's legal obligation to oversee the administration of policies governing the use, distribution and monitoring of monies in the state pool of funds without promulgating extensive regulations. Failure to substantially comply with the requirements in the Manual could result in a withholding of funds or a denial of reimbursement for expenditures." (CSA Manual Preface)

## **Youth and Family Rights**

### **Family Participation**

"The Family Assessment and Planning Team shall ensure full participation of the family in all aspects of assessment, planning and implementation of the Individual Family Service Plan. This shall include full participation for the entire team meeting." (CSA Manual p. 15)

"The Family Assessment and Planning Team shall ... provide for family participation in all aspects of assessment, planning, and implementation of services." (Code of Virginia) § 2.2-5208.2; <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208> Certification Part II, item 7)

### **Signature on the Individual Family Service Plan**

"The Individual Family Service Plan shall not be implemented without the consenting signature of the custodial parent and/or agency or individual legally serving in the place of the parent, unless otherwise ordered by the court, upheld by the appropriate review process or authorized by the Code of Virginia. This requirement does not interfere with procedures to provide immediate access to funds for emergency services and shelter care." (CSA Manual, p. 15)

### **Implementing and Monitoring of the Individual Family Service Plan**

"The Family Assessment and Planning Team shall designate a person who is responsible for monitoring and reporting, as appropriate, on the progress being made in fulfilling the individual family services plan developed for each youth and family, such reports to be made to the team or the responsible local agencies (Code of Virginia) § 2.2-5208.8.8. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208> The local Community Policy and Management Team sets the policy for how this person will be designated and how that information will be communicated to the appropriate parties." (CSA Manual, p. 15)

### **Funding Services**

"Each Community Policy and Management Team shall establish procedures governing referrals of children and families to the Family Assessment and Planning Team and a process to review the team's recommendations and requests for funding (Code of Virginia) § 2.2-5206.5" (CSA Manual, p. 10) <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206>. "All cases requiring pool funding, except for foster care maintenance, are subject to the Family Assessment and Planning Team or collaborative multidisciplinary team review process, as approved by the State Executive Council.

"The Community Policy and Management Team shall also establish policies governing which youths and families are to be assessed by the Family Assessment and Planning Team and which youths and families are not required to be assessed, but for whom funds from the state pool may be directly accessed to pay for specified services." (CSA Manual, p. 11)

"The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient (i) to provide special education services and foster care services identified in subdivisions B1, B2 and B3 of this section and (ii) to meet relevant federal mandates for the provision of these services. The Community Policy and Management Team shall anticipate the number of children for whom such mandated services will be required and shall reserve from its state pool allocation such sum as shall be sufficient to meet these needs." (Code of Virginia) § 2.2-5211.C <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>

[The above referenced subdivisions address "children placed for purposes of special education in approved private school educational programs," "handicapped children placed by the local social services agencies or the Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private special education day school, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities," and "children for whom foster care services ... are being provided to prevent foster care placements, and children entrusted to local social service agencies ... or committed to the agencies ... ." (Code of Virginia) § 2.2-5211.C) <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>

### **Relationship to the Individualized Education Program**

"Since the Individualized Education Program is developed in accordance with the child's right to receive a Free and Appropriate Public Education, as defined by federal statute and regulation, and, if prior to CSA the child would have been in private day or private residential placement for the purpose of receiving a free and appropriate education, the services identified by the Individualized Education Plan team must be provided to the child. Local policies governing access to the funds pool by the eligible populations shall ensure access to funds for students whose Individual Education Programs call for services which must be funded through the Funds Pool."

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"Community Policy and Management Teams must ensure that children and youth who are receiving mandated services (students with an Individualized Education Program and children/youth in foster care who, before CSA would have been served a "sum sufficient" funding stream which was placed in the pool) receive access to funds without delay. (CSA Manual, p. 10)

### **State Review System**

There is no state review system solely for the Comprehensive Services Act; however there are three existing due process systems available. The special education system that involves state-level review, the social service system that involves both local and state level review, and the courts. These systems are established by federal and state requirements separate from the Act and continue to be available to youths and families, as appropriate. Existing state due process systems supporting special education and foster care are not impacted by the Act.

### **Local Review Process System**

"Each Community Policy and Management Team shall establish a review process system. The minimum parameters of this system shall include:

- notice to families (at point of entry to Family Assessment and Planning Teams)
- opportunity for the family/child to be heard and defend their position and
- time lines for review requests and Community Policy and Management Team responses." (CSA Manual, p. 19-20)

### **Relationship between CSA Review System and Existing Rights**

"This review process system shall not take the place of any other review process pursuant to existing state or federal law (e.g., special education, foster care.)"

"Existing state due process systems supporting special education and foster care will not be impacted by the Act." (CSA Manual, p. 19)

"Each Community Policy and Management Team shall adopt a written policy and establish procedures for management of the Individual Family Service Plan records consistent with minimum state and federal requirements." (CSA Manual, p. 20)

### **Exchange of Information and Confidentiality**

"Procedures must be developed to allow the referring agency to obtain consent to exchange client information with the Family Assessment and Planning Team, to provide for the prompt release of records to the Family Assessment and Planning Team, and to ensure the confidentiality of the Family Assessment and Planning Team proceedings."

"The agency which refers a youth and family to the team shall be responsible for obtaining the consent required to share agency client information with the team." (Code of Virginia) § 2.2-5211  
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>

"After obtaining proper consent, all agencies shall promptly deliver, upon request and without charge, such records of services, treatment or education of the family or child as are necessary for a full and informed assessment by the team." (Code of Virginia) § 2.2-5210  
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5210>

"Proceedings held to consider the appropriate provision of services and funding for a particular child or family or both who have been referred to the Family Assessment and Planning team, and whose case is being assessed by this team or reviewed by the Community Policy and Management Team shall be confidential and not open to the public, unless the child and family

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who are subjects of the meeting request, in writing, that it be open. All information about specific children and families obtained by the team members shall be confidential. (Code of Virginia) § 2.2-5210 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5210>

### **Non-Discrimination**

"Community Policy and Management Teams must develop procedures to ensure that services are provided on a non-discriminatory basis. Services provided by the Community Policy and Management Teams and Family Assessment and Planning Teams shall not discriminate on the basis of race, ethnicity, sex, age, religion, socioeconomic status, handicapping conditions, or national origin." (CSA Manual, p. 12)

### **Additional Resources**

The State and Local Advisory Team published in 2004, two CSA informational brochures that provide additional information regarding youth and family rights under CSA entitled **“Recruiting and Retaining Parent Members on Interagency Teams”** and **“Planning Together”**.  
[http://www.csa.state.va.us/html/training\\_technical/tta06152004.cfm](http://www.csa.state.va.us/html/training_technical/tta06152004.cfm)